

Request for Council Action

Originator Community Development	Item Interim Use Permit		#
Agenda Section HEARING/PUBLIC INPUT	By GPD	Approved	Date November 18, 2010
Development Business			

Item 2

Case 8931A-10

GENERAL INFORMATION

Applicant: South Import Motors

Location: 8330 Pillsbury Avenue

Request: Interim Use Permit for Exterior Storage

Existing Land Use and Zoning: Automotive service and repair; zoned I-3

Surrounding Land Use and Zoning: North, East, and South – Industrial; zoned I-3
West – Industrial and multi-family residential; zoned I-3 and RM-24 (PD)

Comprehensive Plan: The Comprehensive Land Use Plan recommends Industrial land use for the property.

HISTORY

City Council Action: 11/19/07 – Approved a three-year Interim Use Permit for the outdoor storage of boats cars and landscaping equipment with conditions (Case 8931A-10).

CHRONOLOGY

Planning Commission Agenda: 11/18/10 - Public hearing scheduled.

Council Action

Motion by _____ Second by _____ to _____

QUALITY SERVICES - AFFORDABLE PRICE

DEADLINE FOR AGENCY ACTION

Application Date:	10/05/10
60 Days:	12/03/10
Extension Letter Mailed:	Yes – 10/8/10
120 Days:	02/01/11

STAFF CONTACT

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APPLICABLE REGULATIONS

Section 19.33(e)(3) based on nonconforming features.

PROPOSAL

The applicant/property owner requests an Interim Use Permit in order to continue the outdoor (open) storage of boats, cars and landscaping vehicles on the fenced portion of the 56,665 square-foot property which has an auto service and repair facility in a 7,000 square-foot building as the principal site business. The open storage has been in existence under the current Interim Use Permit that was approved with conditions by the City Council on November 19, 2007. The reapplication is for an Interim use permit rather than a Conditional Use Permit as that portion of the property used for the open storage of items not related to the principal business does not conform to a number of development regulations as now required by City Code.

The open storage items are confined to a 100-foot by 165-foot area to the rear of the existing building and along the west edge of the property that is enclosed by a six-foot high chain link fence that has gates at the north and south ends. The storage area has and is used predominantly for boat storage by Great American Marine, a business on abutting property to the south, so the south gate opens across the common property line and into the Great American Marine on-site storage area. The storage area surface is all gravel although the rest of the on-site business parking and circulation area are hard surfaced. Access to the storage area is from Pillsbury Avenue via a common drive along the north side of the property and the interior circulation and from West 84th Street via the Great American Marine property at 280 West 84th Street. No changes to the open storage space are proposed.

ANALYSIS

The use of the subject portion of the property for outdoor storage had been established by a previous owner of the property. The current owner, unaware that an Interim Use Permit was required for the open storage of items

unrelated to his principal business of auto service and repair when he acquired the property in 2001, was issued orders on August 1, 2007 and proceeded to apply for and receive approval for the current three-year Interim Use Permit.

It should be noted that in 1986 Great American Marine, 280 West 84th Street, obtained and recorded a private access easement through what is now the open storage area that allowed them to make use of the common driveway on the north side of the subject property and create a through or two-way circulation route between Pillsbury and West 84th Street. Best available information indicates that Great American has been storing boats in the open storage area since that time.

The owner/applicant proposes to continue the storage of Great Marine boats on roughly the south half of the space and equipment and landscaping equipment and trucks for another business on the remainder during the requested permit period. Material, supplies or landscaping debris has not been stored on the site. On occasion, a vehicle that is on-site for repair or service by the primary business may be stored in the lot for security purposes. The open storage area is enclosed by a six-foot high chain link fence topped by angled barbed wire consistent with Code that is in good repair and has gates at the north and south ends. The storage area has been kept reasonably maintained with the stored items arranged in an orderly manner.

This is the first reapplication for an Interim Use Permit following the amendments to the Interim Use Permit regulations and the findings requiring either conformance to all Code requirements or variances from those requirements. Although the open storage area has a number of nonconforming features, the bulk of the property is either in conformance or in grandfathered nonconforming status. Therefore, the application was accepted under the policy of allowing one reapplication for IUPs in existence at the time of the Code amendments before they must either be in conformance or obtain variances as may be necessary to applicable regulations. This situation and policy has been explained to the property owner who has stated an understanding of the requirements for conformance and that any future reapplication will require either bringing that portion of the property into conformance or obtaining appropriate variances.

The property is industrially zoned, is in what may be considered a "transitional" area as the older industrial properties in the area are gradually being combined and redeveloped with new industrial uses consistent with the Comprehensive Plan Land Use Guide, and is surrounded by industrially zoned and used properties to the north, east, south and west, and the railroad spur line to the west. The Lyndale Green residential development, lying west of the spur line and predominantly southwest of the subject property, has setbacks of 65 feet from the railroad right-of-way and over 110 feet from the storage area. In addition, the residential development built a solid fence to screen their site from the railroad spur and the industrial area to the east.

The use of the area for open storage of boats and vehicles used a landscape business has been compatible with both the on-site primary business and the neighboring industrial uses and has not had any identifiable adverse affect on the property or on the neighborhood. The use of the fenced area for open outdoor storage of boats and other vehicles would be suitable as a short-term use not to exceed five years provided continued operation in a responsible manner and maintenance of appropriate measures to minimize potential impacts on the adjacent properties.

Traffic

There are no traffic issues or concerns.

FINDINGS

Section 21.501.05(e)

...The following findings must be made prior to the approval of an interim use permit:

- (1) The proposed use will not delay permanent development of the site;**
 - * The open storage use has minimal physical impact on the property and does not require or result in any level of improvements that could potentially delay either permanent expansion of the primary use or future redevelopment of the site.
- (2) The proposed use will not adversely impact implementation of the Comprehensive Plan or adopted District Plan for the area;**
 - * The proposed open storage use is on an unused portion of the industrially used property, is itself industrial in nature, and is of such scale and character that it would not have any impact on the implementation of the Comprehensive Land Use Plan on either the subject property or any neighboring properties.
- (3) The proposed use will not be in conflict with any provisions of the City Code on an ongoing basis;**
 - * The proposed use is not in conflict with the use classification of the City Code in the I-3 zone and serves primarily as exterior storage for an abutting business. The open storage area is a temporary use that is controlled by the life of the Interim Use Permit and conditions attached to it.
- (4) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare;**
 - * The proposed open storage use has not been shown to be injurious to the surrounding industrial neighborhood or otherwise harmful to the public health, safety and welfare during the current permit period. The area has been maintained, is secured and has been operated in a responsible manner. As no changes are proposed to the character, scale, or intensity of the use, there is no reason to anticipate any change to that status during the requested permit period.
- (5) The date or event that will terminate the use has been identified with certainty; and**
 - * The maximum period an Interim Use Permit is allowed is five years. The use will cease at that time unless terminated earlier by the owner (and applicant) of the property on which it is located.

Continuation of the use beyond that time period would, under current regulations, require a re-application and approval with the use and property being in conformance with all applicable development regulations.

- (6) **The property on which the use is situated is currently in compliance with all applicable City Code standards, property maintenance standards and there are no nuisance characteristics associated with the property or its current use.**

- * The bulk of the property upon which the use is located is either in conformance with or has grandfathered nonconforming status relative to applicable City Code standards. The open storage area is allowed one re-application for an Interim Use Permit following the recent Code amendments prior to having to be in full conformance with all applicable standards. The property maintenance has been satisfactory and responsible. Neither the items in storage nor any practices associated with them have exhibited any nuisance characteristics in the past or are expected to do so in the future. Conditions of approval will assist in maintaining the compatibility of the open storage use.

RECOMMENDATION

In Case 8931A-10, staff recommends approval of a five-year Interim Use Permit for the open outdoor storage of boats, cars, and landscaping equipment not related to the primary auto service and repair business at 8330 Pillsbury Avenue South subject to the following conditions:

- 1) The open storage area is limited to that as in existence as of November 1, 2010 and all stored items must be inside the secured area;
- 2) Security fencing is allowed and shall be in conformance with applicable fence regulations;
- 3) Open storage items shall be limited to boats and trailers for the abutting business, landscaping vehicles and equipment, and autos related to the primary business on the property. All stored vehicles must be licensed;
- 4) No storage of material in or outside of vehicle or trailers, construction or landscaping material, or construction or landscaping debris shall be allowed;
- 5) All loading and unloading of boats, vehicles and equipment to be placed in the storage area shall take place within the storage area;
- 6) The open storage shall be maintained free of weeds and trash and all trailer, vehicles and equipment shall be stored in a neat and orderly manner; and
- 7) No signs shall be allowed for the storage area

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